

ORDINANCE NO. 2014-02-CM

AN ORDINANCE TO AMEND THE SUBDIVISION ORDINANCE OF
TIPPECANOE COUNTY, INDIANA, NO. 79-31

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
TIPPECANOE COUNTY, INDIANA, THAT THE UNIFIED SUBDIVISION
ORDINANCE, BEING A SEPARATE ORDINANCE AND NOT PART OF A
UNIFIED COUNTY CODE IS HEREBY AMENDED AS FOLLOWS:

Section 1: Change **USO Section 5.12(2)(a)** to read as follows:

Multi-family subdivisions must be zoned R3, R3W or R4W prior to the
proposal for a subdivision under this section. However, if a multi-family
subdivision is comprised solely of buildings containing only two dwelling
units, the multi-family subdivision may be zoned R2, R3, R3W or R4W.

This ordinance shall be in full force and effect from and after its passage.

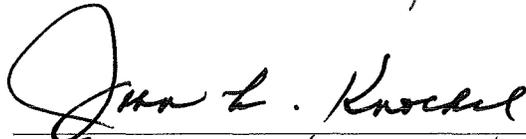
(Adopted And Passed) (Denied) by the Board Of Commissioners of
Tippecanoe County, Indiana, this 3rd day of FEBRUARY, 2014.

VOTE:

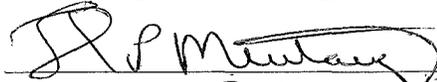
yes

yes

yes



JOHN L. KNOCHEL, President



THOMAS P. MURTAUGH, VP



DAVID S. BYERS, MEMBER

ATTEST:



Jennifer Weston, Auditor

THE

Area Plan Commission

of TIPPECANOE COUNTY

20 NORTH 3RD STREET
LAFAYETTE, INDIANA 47901-1209

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SALLIE DELL FAHEY
EXECUTIVE DIRECTOR

January 16, 2014
Ref. No.: 14-008

Tippecanoe County Commissioners
20 N. 3rd Street
Lafayette IN 47901

CERTIFICATION

RE: USO AMENDMENT #8--MULTI-FAMILY SUBDIVISIONS:

An amendment to the Unified Subdivision Ordinance that expands the required zoning districts for multi-family subdivisions comprised of duplex apartments to include the R2 zone

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on January 15, 2014 the Area Plan Commission of Tippecanoe County voted 13 yes - 0 no on the motion to approve the enclosed amendment to the Unified Subdivision Ordinance. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed subdivision ordinance amendment be approved.

Sincerely,



Sallie Dell Fahey
Executive Director

SDF/lmu

Enclosure: Staff Report and Ordinance

Duplex Apartment Complexes in R2 Zones & Multifamily Subdivisions

Staff Report
January 9, 2014

On August 5, 2013, the Lafayette City Council adopted Resolution 2013-11 requesting the plan commission evaluate the city's proposal to allow apartment complexes containing only duplex buildings on a single separate lot in R2 zones. Presently, any apartment complex with a total of 3 or more dwelling units (no matter the building configuration) is permitted only in R3 and other multi-family zones. The request was referred to the Ordinance Committee for review and discussion.

The Ordinance Committee first agreed that the UZO definition of **Primary Use Building** needed to be revised regardless of the outcome of the Lafayette City Council request. Jay Seeger and staff drafted revisions to the definitions of **Primary Use Building** and **Multi-Family Dwelling**. Two options were developed for USO 5.12 Multifamily Subdivisions, one that cleaned up existing language only and one that satisfied the Lafayette request. Ultimately the Ordinance Committee recommended the changes that would accomplish Lafayette's request to allow a limited type of apartment complex in R2 zones.

After the Ordinance Committee voted on November 6, staff discovered an unintended consequence that would allow apartment buildings other than duplex buildings in R2 zones. Changes that now prevent this have been approved by Jay, Ordinance Committee members, the Lafayette City Attorney and other attorneys interested in this proposal. Because the language in the amendments filed for APC hearing are different than the language that came out of Ordinance Committee, Jay has recommended this procedure for the APC meeting:

1. Place both the UZO and the USO amendments on the floor as we normally do;
2. Make, second and vote on a motion to amend the proposed amendments. The changes to be made will be provided to the President and the member making the motions.

The amendments attached to this staff report are the already corrected versions. Staff will make one presentation, both amendments together, but you will have a separate ballot for each amendment.

RECOMMENDATION:

Approval of the Ordinance Committee's recommendation as amended.